

Waterford Grand Jury Transfer Bill.

ARRANGEMENT OF CLAUSES.

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B I L L

TO

Transfer the Fiscal Powers of the Grand Jury of the city A.D. 1874.
of Waterford to the Mayor, Aldermen, and Burgesses of
the said city.

WHEREAS by the Act 3 and 4 Victoria, cap. 108., intituled
"An Act for the regulation of municipal corporations in
Ireland," the borough of Waterford is governed by the mayor,
aldermen, and burgesses thereof (herein referred to as the corpora-
tion) acting by their council:

And whereas it is expedient that the powers now vested in the
grand jury of the city of Waterford should be exercised by the
mayor, aldermen, and burgesses of the borough of Waterford in
lieu of the said grand jury, and that the said grand jury should
be abolished:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Waterford
Grand Jury Transfer Act, 1874."

2. In this Act the following words and expressions shall have
the several meanings hereby assigned to them, unless there be
something in the subject or context repugnant to such construction
(that is to say) the word "corporation" shall mean the mayor,
aldermen, and burgesses of Waterford, and shall also include the
council as authorised to act and acting in execution of this Act;
the word "council" shall mean the council of the borough of
Waterford; the word "mayor" shall mean the mayor of Waterford
for the time being; the words "treasurer" and "town clerk" shall
respectively mean the treasurer and town clerk for the time being
of the borough; the words "city of Waterford," "city," "borough
of Waterford," and "borough" shall extend to and mean the

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borough and municipal district of Waterford as defined by the Act 3 and 4 Victoria, cap. 108., as amended by the Act 6 and 7 Victoria, cap. 93.

Council to
carry Act
into execu-
tion.

3. The corporation, acting by their council for the time being, shall, and there are hereby created the grand jury for the city of Waterford, and authorised and required to carry this Act into execution.

Fiscal
powers of the
grand jury
to cease, and
be trans-
ferred to the
corporation.

4. From and after the passing of this Act all the powers, rights, and duties of the grand jury of the county of the city of Waterford in relation to the appointment of presentment sessions, and the presenting and levying of rates and cesses for any purpose, shall cease and determine within the said borough from the time aforesaid, and all the powers theretofore exercised by or vested in the said grand jury with respect to the presenting and levying of rates or cesses for local purposes within the borough of Waterford shall be transferred to and be solely exercised by the council of the borough, and all things by any Act theretofore authorised or required to be done by the said grand jury of the county of the city of Waterford with respect to the said fiscal matters, rates, or cesses, shall, save as by this Act altered, be done by the said council.

Provision for
payment of
amount of
warrants
issued to
collectors of
grand jury
cess.

5. Each collector of grand jury cess to whom any warrant shall have been issued by the treasurer of the county of the city of Waterford at or after the assizes next before the commencement of this Act, shall pay the amount mentioned in such warrant to the said treasurer six clear days before the first Monday in the month of February, or the first Monday in the month of July next after the commencement of this Act, as the case may be, and all such sums as shall be claimed in respect of any presentments listed by the judge at the said assizes shall be discharged in the usual manner on or before the said first Monday in the said month and year; and all moneys which shall on the said day remain in the hands of the said treasurer unpaid shall thereupon vest and the same are hereby vested in the corporation, and shall be paid by the treasurer of the county of the city of Waterford to the treasurer of the borough, and the said treasurer of the county of the city shall on the said day deliver to the treasurer of the borough a true and particular account of such presentments as shall then remain unpaid, and the same shall be discharged out of the said moneys, and the surplus of the moneys remaining after discharge of such presentments shall be carried to the credit of the corporation as such grand jury: Provided always, that nothing herein contained shall in anywise invalidate any bond or other security which shall have been

entered into or given by any collector and his sureties to the treasurer of the county of the city for the due collection of any grand jury cess, but the same shall be enforceable and enforced by the said last-mentioned treasurer to all intents and purposes as if this Act had not passed, and as if such bond or other security was conditioned for such collector duly collecting and paying to such treasurer on or before the day herein appointed for such purpose such grand jury cess; provided also, that the warrant which shall have been so issued to such collector shall remain in full force for one year from the last-mentioned day, and no longer.

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6. The corporation shall, at the times and in the manner herein-after mentioned, proceed to raise and levy off the borough, by means of the rate for general purposes herein-after specially provided, such sums of money as shall be required in order to make provision for all such purposes as, but for the passing of this Act, the said grand jury, with or without previous application to presentment sessions, would be bound and empowered to make or might lawfully have made provision for out of the rates or cesses which they were empowered to raise or levy within the said borough: Provided always, that in no case shall the said rate for general purposes be applicable to the making, enlarging, repairing, or paving any street, road, or passage within the borough.

Council to provide a rate for all purposes heretofore provided for by the grand jury.

Made of proceeding.

7. The council shall affix a time twice in every year to receive applications for all things now authorised to be done by the grand jury of the county of the city of Waterford with respect to fiscal matters, rates, or cesses within the borough, and such applications shall be made in like form as the same are now authorised to be made in cases of application for presentments, and immediately after the time so fixed for receiving such applications, the council shall proceed to investigate such applications, and shall decide upon the same at an open meeting of the council or of a committee thereof authorised on that behalf.

8. A schedule of such applications as may be agreed to shall be made out by the town clerk, who shall lodge the same twelve clear days at the least before the first day appointed for holding the ensuing spring or summer assizes in each year in and for the county of the city of Waterford with the clerk of the Crown for the county of the city of Waterford, and upon the first and every other day of the said assizes, if necessary, twelve members of the council of the borough, to be chosen at the meeting of the council to be holden as aforesaid for hearing such applications, shall attend before one of the judges of assize, and the said judge, after hearing all

Schedule of applications to be lodged with clerk of Crown and the clerk of the peace.

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parties affected by or interested in such presentments, shall make such orders therein, and shall allow or disallow the same, or any of them, or any portions thereof, as to him shall seem fit, and shall flat the same, or any portions thereof, according as the same shall be allowed by him: Provided always, that it shall be lawful for any 5 ratepayer to traverse any presentment made by the said council, or to object to the same being flat, and such traverse or objection shall be heard and determined by the said judge on a day to be fixed for considering and flatting the same, and it shall be lawful for the said judge to make orders from time to time to regulate the 10 reception of the said traverses, and the mode of procedure thereupon, and to order juries to be empannelled for the trial thereof as he is now in such cases authorised; provided also, that in case such twelve members of the said council shall not attend the said judge, it shall be lawful for him to proceed to hear and determine 15 such matters as shall be brought before him in like manner as if such twelve members were then present, and the said judge shall have power to inflict on each member for non-attendance a penalty not exceeding ten pounds

Rejected applications may be made before judge and granted by him.

9. In case any application shall not be sanctioned by the council, 20 the party making such application shall be at liberty (on giving six clear days notice to the town clerk of his intention so to do) to bring the same before the said judge at the time of flatting the said presentments, and if it shall appear to the said judge that such application ought to have been allowed wholly or in part, the same, 25 so far as to the said judge shall seem fit and right, shall be added to the schedules sent in by the town clerk.

Provision for payment of poundage to collectors of grand jury cases and of assizes, &c.

10. The council shall, at their first meeting to be holden for the purpose of hearing applications as aforesaid, on the application of any collector of grand jury cases interested therein, verified by the 30 production of a certificate of the treasurer of the county of the city of Waterford that the amount of the warrant issued to such collector has been paid pursuant to the provisions of this Act, and likewise of an affidavit, to be sworn by the said collector before a justice, that the money included in such warrant has been fairly 35 and impartially levied, and that no more than the sum authorised by the warrant, with the customary collector's fees, has been collected to the best of such collector's knowledge and belief, include in the said schedule such sum as will defray the poundage to which such collector shall be entitled in respect of the moneys collected 40 by him since the then last preceding assizes, and which, but for the passing of this Act, the grand jury would be bound to present, and

the council shall likewise at each meeting insert in such schedule, on the application of any such collector interested therein, the amount or sum of money which shall be then unpaid or in arrear on foot of any warrant issued by the treasurer at or after the said assizes: Provided, that it shall be made to appear to the council by the affidavit of such collector that such amount or sum is actually in arrear and unpaid, and that it could not have been levied from the persons or out of the property theretofore charged with or liable to pay the same.

- 10 11. When all objections or traverses have been disposed of, and the new presentments (if any) have been added, the said schedule shall be signed by the clerk of the Crown, and shall by him be transmitted to the town clerk, who shall lay the same before the council, and thereupon the council shall and they are hereby
15 required to raise the amount of the several sums mentioned in the said schedule by a rate to be called "the rate for general purposes."

Schedules re-
finedly
settled to be
transmitted
by the clerk
of the Crown
to the town
clerk.

12. All arrears of rates and property in the borough now vested in the grand jury, or any of its officers, or in the treasurer of the county of the city of Waterford, by virtue of his or their office or
20 officers, shall immediately after this Act shall have come into operation vest in the mayor, aldermen, and burgesses.

Property of
grand jury to
vest in cor-
poration.

13. All contracts, bonds, and other securities heretofore made or entered into by or with the grand jury, or the treasurer of the county of the city of Waterford, shall be enforceable and enforced
25 by or against the mayor, aldermen, and burgesses, after this Act shall come into operation, as if the same had been originally made or entered into by or with the mayor, aldermen, and burgesses.

Contracts
made by or
with the
grand jury to
be good.

14. From and after the commencement of this Act the treasurer of the borough shall, subject to the provisions of any Act in force
30 regulating the same, perform all the duties in respect to the payment of prosecutors and witnesses expenses which shall have been theretofore done and performed by the treasurer of the county of the city of Waterford, and the same shall be defrayed out of the rate for general purposes hereby authorised.

Treasurer of
the borough
to pay
expenses of
prosecutors, &c.

15. Whereas under the provisions of divers Acts now in force the gaols for the county of the city of Waterford and the county of Waterford, have been amalgamated, and are governed by a board of superintendence which consists of twelve members jointly appointed
35 by said grand juries, eight by the county of Waterford grand jury, and four by that of the county of the city of Waterford: Be it enacted that the corporation of Waterford shall appoint the four

Corporation
to have
power of
appointing
four members
of board of
superinten-
dence of
prisons

A.D. 1874. members heretofore appointed by the grand jury of the county of the city of Waterford, and that the board of superintendence so appointed shall have all the powers it now possesses.

Office of the
treasurer of
the county of
the city of
Waterford
abolished.

16. From and after the passing of this Act the office of treasurer of the county of the city of Waterford shall be and the same is hereby abolished: Provided always, that nothing herein contained shall in anywise lessen or affect the liability or duty of the person holding the said office or his sureties to account, pursuant to any Act of Parliament now in force, or make good any assessment, or to answer for any default which shall have been incurred by him or 10 them respectively.

Waterford Grand Jury Transfer.

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B I L L

To transfer the Fiscal Powers of the Grand Jury of the city of Waterford to the Mayor, Aldermen, and Burgesses of the said city.

(*Printed and brought in by
Mr. Richard Power and Lord Charles Beresford.*)

Ordered, by The House of Commons, to be Printed,
8 June 1874.

[380 148.]

Under 1 oz.